

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 15, 1999**

## DIVISION ONE

B094245      Sanders      (Not for Publication)  
v.  
American Broadcasting Co., Inc., et al.

We reverse the order awarding Sanders attorney Fees. In all other respects, we affirm the judgment. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B130233 People (Not for Publication)  
v.  
Archibeque

The judgment in case number SA033213 is reversed, and the cause is remanded to the trial court with directions to enter a judgment of dismissal. The judgment in case number SA032904 is affirmed, and that cause is remanded to the trial court with directions to resentence Archibeque.

Vogel (Miriam A.)

We concur: Ortega, Acting P.J.  
Masterson, J.

December 15, 1999-Continued

DIVISION TWO

B122577 People (Not for Publication)  
v.  
Ayers et al.

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

B129913 People (Not for Publication)  
v.  
Ross

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B125948      Ladley      (Not for Publication)  
v.  
Unocal Corporation et al.

The judgment on the pleadings and order dismissing the class action are affirmed. Respondents are to recover costs on appeal.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

December 15, 1999-Continued

## DIVISION TWO (Continued)

B125036 Jones (Not for Publication)  
v.  
Laire Federal Credit Union

The appeal is dismissed. Each party to bear its own costs on appeal.

Nott, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

B126310      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Vernon O., Sr., et al.

The Court:

The order terminating Vernon O., Sr.'s parental rights to Vernon O., Jr., is affirmed. Marilyn H.'s appeal is dismissed as abandoned. (In re Sade C. (1996) 13 Cal.4th 952, 981-994.)

Nott, Acting P.J., Cooper, J., Mallano, J.(Assigned)

B129846 People (Not for Publication)  
v.  
Pineda et al.

The order granting a new trial is reversed and the matter is remanded for the trial court to consider the new trial motions as to Count 1.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Kitching, J., Aldrich, J., Schneider, J. (Assigned) and Valorie Gray, Deputy Clerk.

Each of the following:

B132737 Dept. of Children & Family Services v. Vera B.  
B131633 Dept. of Children & Family Services v. Kerry L.  
B128183 Dept. of Children & Family Services v. Christopher C.  
B130682 Dept. of Children & Family Services v. Maranda M.  
B132520 Dept. of Children & Family Services v. Maranda M.  
B135766 Adriana H. v. S.C.L.A.  
B118887 People v. Rocha  
B128549 People v. Morrison  
B116267 People v. Higgins  
B129349 Duff v. Wilson  
B128999 People v. Jeffrey D.

Argument waived, cause submitted.

B127898     People  
              v.  
              Najera

Merits:

Argued by Allen Weinberg for appellant and by Stephen A. McEwen, deputy attorney general, for respondent. Cause submitted.

B125028     Schipe  
              v.  
              Legal Aid Foundation of Los Angeles

Merits:

Argued by Thomasina M. Reed for appellant and by Ralph A. Guirgis for respondent. Cause submitted.

DIVISION THREE (Continued)

B120796     People  
              v.  
              Duncan

Merits:

Argued by William L. Heyman for appellant and by Jason C. Tran, deputy attorney general, for respondent. Cause submitted.

B122903     Attias  
              v.  
              Farmers Insurance Group, Inc.

Merits:

Argued by John D. Rowell for appellant and by Jonathan B. Cole for respondent. Cause submitted.

Court recessed at 10:45 A.M.

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Kitching, J., Aldrich, J., Schneider, J. (Assigned) and Valorie Gray, Deputy Clerk.

B121531     Estate of Victoria Van Meter  
              v.  
              Arnold

Merits:

Argued by Benson N. Redding for appellant and by Daniel T. Streeter for respondent. Cause submitted.

B130590     Debus  
              v.  
              The Athletic Congress of the USA

Merits:

Argued by Randall J. Sunshine for appellant and by Albert H. Ebright for respondent. Cause submitted.

DIVISION THREE (Continued)

B130038     Bawal  
              v.  
              Regents of the University of California et al.

Merits:  
Argued by Herbert Abrams for appellant and by Aaron V. O'Donnell for respondent. Cause submitted.

B126768     People  
              v.  
              Kincy

Merits:  
Argued by Murray A. Rosenberg for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

B121046     People  
              v.  
              Macias

Merits:  
Argued by Gerson Simon for appellant and by Jenevee DeGuzman, deputy attorney general, for respondent. Cause submitted.

B123498     Karlin  
              v.  
              City of Santa Monica

Merits:  
Argued by Joseph R. Zomora for appellant and by Anthony P. Serritella, deputy city attorney, for respondent. Cause submitted.

Court adjourned at 3:07 P.M.

## DIVISION FOUR

B129893 People (Not for Publication)  
v.  
Arthur A.

For the foregoing reasons, we remand for an express declaration pursuant to Welfare and Institutions Code section 702 as to count 1, a finding of the facts supporting the order sustaining count 2 of the petition, and recalculation of the maximum period of appellant's physical confinement in accord with this opinion. In all other respects, we affirm the judgment.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B107094 People (Not for Publication)  
v.  
Godoy & Robles

The judgment as to Godoy is affirmed. The judgment as to Robles is reversed with respect to sentencing. In all other respects, the judgment is affirmed. The matter is remanded for resentencing as delineated in the opinion. The superior court is directed to prepare amended abstracts of judgment consistent with the views expressed in this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

December 15, 1999-Continued

## DIVISION FOUR (Continued)

B130154 King (Not for Publication)  
v.  
Ravis

The order denying the application to enter judgment pursuant to Code of Civil Procedure section 664.6 is affirmed. Respondent to recover costs on appeal.

Dau, J. (Assigned)

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B119633 People  
v.  
Juan Cortez

Filed order modifying opinion. (No change in the judgment)

B133337 People  
v.  
Lay Touch

B135642 People  
v.  
Pov Touch

Filed order consolidating above captioned appeals.



December 15, 1999-Continued

DIVISION SIX

B131301      S.L.O. Dept. of Social Services      (Not for Publication)  
v.  
Donovan J.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B128031 People (Not for Publication)  
v.  
Arnold

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B132064      Zampese      (Not for Publication)  
v.  
Zampese

The judgment (order denying motion for reconsideration and motion for attorney's fees) is affirmed. Husband is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

December 15, 1999-Continued

## DIVISION SIX (Continued)

B135325      Robert C.      (Not for Publication)  
v.  
San Luis Obispo County Superior Court  
San Luis Obispo County Child Protective Services

The petition is denied.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B128260      People                                  (Not for Publication)  
v.  
Roberson

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We order the superior court to amend the abstract of judgment to reflect the imposition and suspension of a parole revocation fine in the amount of \$200. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

[illegible]

The judgment is affirmed. The trial court is directed to strike the one-year enhancement based on Paire's 1996 conviction and to send a corrected abstract of judgment to the Department of Corrections.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

December 15, 1999-Continued

## DIVISION SIX (Continued)

B132658      People                                  (Not for Publication)  
v.  
Jaime Mendez D.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Abbe, J. (Assigned)

## DIVISION SEVEN

B119255      Osborne                                  (Certified for Publication)  
v.  
Brenner

Estate of Morris I. Brenner

The order denying admission of the 1995 holographic will to probate is reversed. Appellant shall recover his costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B131687      Krikorian, et al.      (Not for Publication)  
v.  
Del Rosa Plaza

The judgment is affirmed. Respondent is awarded costs on appeal.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

December 15, 1999-Continued

DIVISION SEVEN (Continued)

B123122      Doega et al.      (Not for Publication)  
v.  
Cartel Marketing, Inc., et al.

The judgments of the trial court dismissing the complaints in cases BC 171572 and BC 172621 are reversed, and the cases are remanded for further proceedings. Appellants shall recover their costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

B133767      Trina V.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Dept. of Children & Family Service)

Because of substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B131480      Lee                          (Not for Publication)  
v.  
Lee

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B133780      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Wendy M.

The order is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                 Neal, J.

B129755      Thukral      (Not for Publication)  
                 v.  
                 Import & Export Worldwide Systems, Inc., et al.

The judgment is affirmed. Respondents are entitled to their costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.

B135197      Livia L.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (L.A. County Dept. of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing as to Cynthia and Alexis pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur:   Johnson, J.  
                 Neal, J.

December 15, 1999-Continued

## DIVISION SEVEN (Continued)

B132479 People (Not for Publication)  
v.  
Clifton D.M.

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B129899 People (Not for Publication)  
v.  
Rudy F.

The order under review is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B131209 People (Not for Publication)  
v.  
Davtyan

The order sentencing appellant is reversed and the cause is remanded to the trial court for the court to set aside appellant's admission of a qualifying prior adjudication under Penal Code sections 667 and 1170.12 and for resentencing pursuant to the plea bargain. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

[illegible]

The order striking the finding and allegation of one prior serious felony offense is reversed, as is the order sentencing defendant to a second-strike term. We remand the cause to the trial court for resentencing pursuant to the views expressed herein.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B128326 People (Not for Publication)  
v.  
Kim

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B124009 People (Not for Publication)  
v.  
Sweeney

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

December 15, 1999-Continued

## DIVISION SEVEN (Continued)

B128706      People                          (Not for Publication)  
v.  
West

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B131008      People                                  (Not for Publication)  
v.  
**Sanchez**

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B129174 Iverson, Yoakum, Papiano & Hatch  
v.  
Berwald

Filed order modifying opinion and certifying opinion for publication.  
Petition for rehearing is denied. (No change in the judgment)